

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

2015 AUG 25 PM 12:23

THOMAS
Yahara Lago
CLERK

IN RE;

SHANNA YVETTE SCHUMANN

CASE NO. 15-64347-mgd
CHAPTER 7

CHAPTER 7, CASE no. 15-64347-mgd

CONTESTED MATTER

BMM INV. LLC., :
MOVANT

VS. ;

SHANNA YVETTE SCHUMANN ;
DEBTOR

VS.

KYLE A. COOPER
CHAPTER 7 TRUSTEE ;

NOTICE OF HEARING

PLEASE TAKE NOTICE that BMM INV. LLC.,
has filed A MOTION FOR RELIEF FROM THE
AUTOMATIC STAY on August 25 , 2015 , and related papers with the
Court seeking an Order Lifting the automatic stay as to BMM INV.
LLC., so that they can proceed with a landlord tenant eviction

in Gwinnett County, Magistrate Dispossessory Court.

PLEASE TAKE FURTHER NOTICE, that the Court will hold a hearing on the Plaintiff's MOTION FOR RELIEF FROM THE AUTOMATIC STAY, in **COURTROOM 1201 United States Courthouse, 75 Spring Street S.W. Atlanta, Georgia, 30303** at **10:00 o'clock a. m., on the 10th day of September, 2015.**

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (if you do not have an attorney, you may wish to consult one). If you do not want the court to grant the relief sought in these pleadings, or if you want the court to consider your views, you and/or your attorney **must** attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how, and on whom (including 2 addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U. S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303. You must mail a copy of your response to the undersigned at the address stated below.

If a hearing on the Motion for Relief From the Automatic Stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Within three (3) days of the date of this Notice, Movant's attorney shall serve the Motion and this notice upon ~~Shanna Yvette Schumann~~ (debtor), the trustee, and, debtor's attorney of record.


MARVIN S. SOSKIN

**Attorney for Movant
Bar No. 667250
2300 Henderson Mill Road
Atlanta, Georgia, 30345
770-496-1036**

CERTIFICATE OF SERVICE

I, MARVIN S. SOSKIN, hereby certify that I am over the age of 18 and that on the 25 day of August, 2015, I hereby served a copy of the foregoing **MOTION FOR RELIEF FROM AUTOMATIC STAY and NOTICE OF HEARING** by first class mail, with adequate postage attached prepaid on the following persons at the address stated:

Shanna Yvette Schumann
1029 Parkside Wood Ct.
Lawrenceville, Georgia, 30043

**Kyle A. Cooper
Chapter 7 Trustee
Suite 102
615 Colonial Park Drive
Roswell, Georgia, 30075**

**Clerk's Office
US Bankruptcy Court
1340 Russell Federal Bldg.
75 Spring St. Atl. Ga. 30303**

The Respondents in this Bankruptcy matter by U. S. first class mail to said Respondents at the above addresses.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 8/25/15


**MARVIN S. SOSKIN
STATE BAR NO. 667250**

**2300 Henderson Mill Road # 403
Atlanta, Georgia, 30345**

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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Shanna Yvette Schumann
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IN RE;

SHANNA YVETTE SCHUMANN

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DEBTOR

VS.
KYLE A COOPER :
CHAPTER 7 TRUSTEE

MOTION FOR RELIEF FROM AUTOMATIC STAY

Comes now BMM INV., LLC., and by and through counsel

Marvin S. Soskin hereby shows this Court as follows:

1.

The Court has jurisdiction over this matter pursuant to 28 U S C 1471 and U S C 362 and 363.

2.

That on August 8, 2015 Shanna Yvette Schumann filed a Chapter 7 petition in Bankruptcy, case number 15-64347-mgd.

3.

That the debtor is still occupying the premises located at 1029 Parkside Wood Ct. Lawrenceville, Georgia, 30043 as a tenant at those premises.

4.

That debtor is living at 1029 Parkside Wood Ct., Lawrenceville, Ga. and owes rent to petitioner as follows: \$1,250.00 for August, 2015. .

5.

That Petitioner wishes that this stay be lifted so that a Dispossessory proceeding that was filed in the Magistrate Court of Gwinnett County, being case number: 15 M 23700 be allowed to proceed to trial.

6.

That said filing of this present Chapter 7 Bankruptcy Petition has stayed the any dispossessory proceeding that was filed against said debtor.

7.

That the Plaintiff believes that the debtor's Chapter 7 Bankruptcy Petition has been filed to delay the dispossessory action in Gwinnett County.

8.

That pursuant to 11 USC 362, Movant is stayed from continuation of the Court proceeding against debtor to proceed with the Dispossessory action against SHANNA YVETTE SCHUMANN.

9.

At most, the debtor has just a mere possessory interest in the property at 1029 Parkside Wood Ct., Lawrenceville, Georgia, 30043.

10.

By reason of the foregoing, continuation of the automatic stay of 11 USC 362(a) will work real and irreparable harm to Movant.

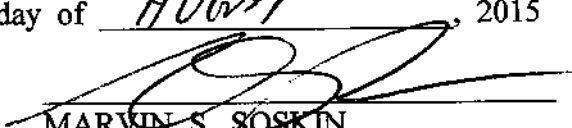
11.

That debtor is still in possession of the premises, and Movant is not adequately protected as required under 11 USC 1322 (b)(7), and therefore debtor is required pursuant to 11 USC 365(b)(4) to return possession to Movant

WHEREFORE PETITIONER prays as follows:

- a) An Order Terminating the automatic stay and authorizing Movant to proceed with a dispossessory action in the Magistrate Court of Gwinnett County.
- b) Possession of said premises;
- c) Such other and further relief as is just and proper.

This 25 day of AUGUST, 2015


MARVIN S. SOSKIN
Attorney for Movant
Georgia Bar No. 667250

2300 Henderson Mill Road # 403
Atlanta, Georgia, 30045
770-496-1036

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE;

SHANNA YVETTE SCHUMANN

CASE NO. 15-64347-mgd
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CONTESTED MATTER

BMM INV., LLC., :
MOVANT :
VS. :
SHANNA YVETTE SCHUMANN :
DEBTOR :

VS. :
KYLE A. COOPER :
CHAPTER 7 TRUSTEE :

CERTIFICATE OF SERVICE

I, MARVIN S. SOSKIN, 2300 Henderson Mill Road # 403, Atlanta,
Georgia, 30345, CERTIFY:

That I am at all times hereinafter mentioned, was more than 18 years of age;

That on AUGUST 25, 2015, I served a copy of the within and foregoing

NOTICE OF APPEARANCE, AND MOTION FOR RELIEF FROM STAY,

Filed in this August 25, 2015 to:
Clerk's Office
U.S. Bankruptcy Court
1340 Russell Federal Bldg.
Atl. Ga. 30303

Kyle A. Cooper
CHAPTER 7 TRUSTEE
Suite 102, 615 Colonial Park Drive
Roswell, Ga. 30075

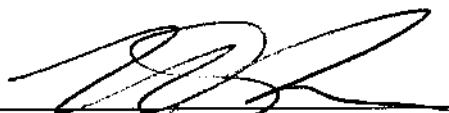
Shanna Y. Schumann
1029 Parkside Wood Ct.,
Lawrenceville, Georgia, 30043

THE RESPONDENTS IN THIS Bankruptcy matter by U. S. first class mail to said
respondents at the above addresses.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

Executed on

8-25-15


MARVIN S. SOSKIN
STATE BAR NO. 667250

2300 Henderson Mill Road # 403
Atlanta, Georgia, 30345
770-496-1036

U. S. BANKRUPTCY COURT / NORTHERN DISTRICT OF GEORGIA / ATLANTA DIVISION

RECEIPT #01220057 (YL) OF 08/25/2015

ITEM	CODE	CASE	QUANTITY	AMOUNT	BY
1	ST2	15-64347	1	\$ 176.00	Check/MO
		Judge - Judge Mary Grace Diehl			
		Debtor - SHANNA YVETTE SCHUMANN			

TOTAL: \$ 176.00

FROM: Marvin S Soskin
2300 Henderson Mill Rd #403
Atlanta GA 30345